

REMARKS

The above-listed claim amendments along with the following remarks are fully responsive to the Final Office Action of June 28, 2006. Claims 1, 4, 6, -8, 14, 15, 17, and 18 are amended. Claims 2 and 3 are cancelled. No new matter is added by the amendments. Claims 1 and 4-21 are pending.

Claim Rejections – 35 USC § 102

Claims 1, 3, 5, 6, 8, 11, 13-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginat (U.S. Patent 6,070,937). According to the Office Action, Ginat reports every feature of the claimed invention.

Claims 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ball (U.S. Patent 6,523,898).

Applicant has amended independent claims 1, 15 and 18 to recite, in part, the backrest support “comprising a pre-stressed spring element.” Support for this amendment can be found in at least at paragraph [0020] of the specification as originally filed. “Pre-stressed” to one of ordinary skill in the art means a spring that is not in its rest position. In an embodiment of the invention, “pre-stressed” means that the “spring is flexed slightly even when the backrest 18 is in the upright position A.” Applicants submit that amended independent claims 1 and 15 are not anticipated by Ginat because Ginat does not disclose, teach or suggest a pre-stressed spring element. Similarly, claim 18 is not anticipated by Ball because Ball does not disclose, teach or suggest a pre-stressed spring element.

Because Ginat and Ball do not provide each and every element of the claimed invention as recited in independent claims 1, 15 and 18, as presently amended, the claims are not anticipated by Ginat and Ball and withdrawal of the rejection is respectfully requested. Dependent claims 5, 6, 8, 11, 13-14, 16-17 and 19-21 depend directly or indirectly from either independent claims 1, 15 or 18 and are therefore also allowable for at least the same reasons as independent claims 1, 15 and 18. Withdrawal of the rejection to these claims is requested.

Claim 3 is cancelled and hence the rejection is moot.

Claim Rejections – 35 USC § 103

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginat. According to the Office Action, in the absence of a reason that the choice of a layered fibrous spring

element solves a particular problem, then the spring taught by Ginat would work equally well. Applicants respectfully traverse this rejection.

As discussed above, Ginat does not teach or suggest the use of a pre-stressed spring element. Furthermore, the specification at paragraph [0020] clearly discloses that the spring 44 is preferably pre-stressed and defines in an embodiment of the invention that pre-stressed means the cover 46 is molded so that the spring is flexed slightly even when the backrest 18 is in the upright position A. Paragraph [0020] also clearly discloses that without such pre-stressing, the backrest 18 would pivot from the upright position A using too little force and would be less stable on the upright position A. Thus, the present application provides a reason for the choice of the pre-stressed spring element. Claim 4 in particular recites that the pre-stressed element is made from a layered fibrous material.

Claims 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginat in view of Adams et al.

Adam, however, does not overcome the inadequacies of Ginat as distinguished above because, with respect to claim 1, neither Ginat nor Adams teach or suggest a pre-stressed spring. Because claims 9, 10 and 12 depend directly from independent claim 1, these claims are also allowable for at least the reasons discussed in regard to claim 1. Applicants request withdrawal of the rejection.

Conclusion

In conclusion, all of the claims remaining in this application should now be seen to be in condition for allowance. A prompt notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

By: /Tanya D'Souza/
Tanya S. D'Souza, 56,948
612/766-7835
Customer No.: 58506

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